

Looting

Looting connotes theft, vandalism, trespass, possibly burglary, larceny, robbery, and even murder. Looting is crime.

This issue of CRM presents articles concerning the theft of the past, offering perspectives on the extent of looting worldwide and legal responses to mitigating the problem. Looting of the past through the destruction of historic sites and the illicit removal, trafficking, and sale of artifacts is a global dilemma with many facets, contradictions, and complexities, not all of which can be addressed here.

Note the use of the term “historic” as opposed to “archeological.” Some commentators note that looting means the destruction of history. History is narrative; looting obliterates our ability to narrate history. Looting is not restricted to buried artifacts unearthed by “tomb robbers”; the plundered past¹ includes centuries-old manuscripts stolen from archives, tombstones of antebellum Virginians removed and sold as lawn ornaments, or feathers of endangered eagles affixed to religious objects sacred to New Mexico Native Americans, stolen for sale.

Most of the articles included in this issue address the protection of archeological resources. Wendy Coble illustrates the reality that archeological resources are created continuously. Wrecked World War II aircraft, as she demonstrates, now attract a collecting interest. A collecting interest means a financial interest. The two interests merge to create licit and illicit challenges to the preservation of history and our ability to construct history. But can a study of wrecked World War II aircraft contribute to history only a half century since the events occurred, events amply documented and still within living memory? The answer is yes; this answer is implicit to Federal protective laws that require stewardship of the resource to preserve and enhance our collective history, our understanding of ourselves. Archeological artifacts, though, have one essential attribute that other surviving flotsam of the past do not: context. Artifacts may or may not emerge from the earth as pretty, saleable things, but their ability to help us construct history lies in the

information furnished by their context in the ground. Context refers to the relationships between buried artifacts and their temporal and spatial location. Artifacts shorn of context have forever lost their ability to furnish history. Shorn of history, they become commodities for purchase or trade, to enhance private collections or those of museums with few ethical scruples.

The articles in this issue fit six interrelated categories. First, an overview: “Stealing History” is an excerpt of a larger report produced by the Illicit Antiquities Research Centre of the MacDonald Institute of Archaeology, Cambridge, United Kingdom. The essay provides a timely overview of a global crisis, manifestations of which are evident throughout this issue of CRM.

Second, retrospective views are offered by now-legendary pioneers of Federal initiatives to combat looting. Judge Sherry Hutt, retired investigator Phil Young, and archeologist Martin McAllister have done much to define our investigative protocols and to heighten our current public awareness of looting and, perhaps most importantly, have contributed substantially to our current legal posture to combat looting. The Archaeological Resources Protection Act² (ARPA) has become the most vital legal weapon against looters in the United States and, despite some setbacks in Federal courts, ARPA has proven immensely successful when enforced aggressively. As McAllister observed recently, ARPA just passed its 20th anniversary, an occasion for law enforcers and cultural resource managers to rededicate archeological protection efforts. Jane Levine follows with a timely example of a successful Federal prosecution under a law that shares the spirit of ARPA, a case involving Federal recognition of other nations’ heritage protection efforts.

Third, this issue examines State efforts against looting. Gerard York and Jim Miller highlight the adoption into Florida law of ARPA’s value determination when conducting an archeological damage assessment, the first such State law in the country. Similarly, David Crass, Dan Parrish, and Christine Van Voorhies describe the process of drafting antilooting laws in Georgia and their consequent lack of immediate impact on looting. The authors conclude by offering strategies for meaningful legislative change.

Fourth, Native American perspectives are offered on strategies for combatting looting. Robert Cast and Timothy Perttula describe the

application of ARPA and the Native American Graves Protection and Repatriation Act in Texas with the attendant challenges of educating Native Americans whose lands are under threat as well as the local officials who must enforce the law. Julie Longenecker and Jeff Van Pelt tell of similar circumstances among Native Americans of the Pacific Northwest and list strategies on how to approach, train, and coach Native Americans to participate in prosecutions. Garry Cantley describes a Bureau of Indian Affairs variant on teaching Native Americans called "ARPA-Lite."

The fifth theme involves a discussion of newly imperiled resources and strategies to combat them. Leif Häggström describes an ancient archeological resource now threatened by collectors armed with metal detectors. He offers a solution in collaborations between archeologists and local citizens, particularly local amateur history societies enlisted as informants. Coble, as noted, examines Federal stewardship of relatively new cultural resources, crashed and even submerged wartime aircraft, reminding us that artifacts do not have to be old to be targeted by looters.

The sixth and last topic of this issue is crime prevention. Most ARPA-related training concentrates on investigative and prosecutorial strategies with little or nothing said about prevention. Crime prevention, though, embraces its own specialized literature, philosophy, and strategy of law enforcement. Michael Trinkley examines one of the most imperiled resources in the

United States, cemeteries, and offers simple and effective techniques of "target hardening" to reduce the opportunity for theft of cemetery art. Alan Sullivan, Patrick Uphus, Christopher Roos, and Philip Mink investigate the phenomenon of inadvertent vandalism by studying the effects of outdoor recreation on cultural resources. Sue Renaud provides specific strategies to help prevent looting on private property and offers useful links to Internet sites.

Hutt's and Young's reflective essays reveal a keen awareness that protecting cultural resources protects our ability to construct identity. Looting, then, is culture theft, identity theft. This issue's authors argue with urgency because what is at stake is the loss of our collective identity.

Below is a list of resources — training, publications, Websites, and a video — to help readers pursue the topics raised in this issue of CRM.

¹ From Karl Meyer's exposé, *The Plundered Past: the Story of Illegal International Traffic in Works of Art* (New York: Atheneum, 1973).

² Public Law 96-95, Title 16 United States Code, Section 470 aa-mm, amended in 1988.

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Resources

Training

Archeological Resources Protection Training Program (ARPTP), National Center for State and Local Law Enforcement Training, Federal Law Enforcement Training Center, Glynco, GA 31524, telephone (912) 267-2345 or (800) 74FLETC. ARPTP presents lectures, discussions, readings, and practical exercises to law enforcement officers and archeologists to develop a team approach to archeological resources crime investigation.

Overview of Archeological Protection Law course, co-sponsored by the Archeology and Ethnography program, National Park Service; the Office of Legal Education, Executive Office for United States Attorneys and Criminal Division, U.S. Department of Justice; and the National Conference of State Historic Preservation Officers. The course provides an overview of Federal archeological and other heritage resources protection law

for attorneys who prosecute looting, vandalism, and illegal commercial trafficking cases. For further information contact David Tarler, Archeology and Ethnography program, National Park Service, 1849 C Street NW-210NC, Washington, DC 20240, telephone (202) 343-4101.

Publications

Ahlstrom, Richard V. N., Malcolm Adair, R. Thomas Euler, and Robert C. Euler. "Pothunting in Central Arizona: The Perry Mesa Archeological Site Vandalism Study." *Cultural Resources Management Report*, No. 13. U.S. Department of the Interior, Bureau of Land Management/U.S. Department of Agriculture, U.S. Forest Service, Southwestern Region, Arizona. September 1992.

Brodie, Neil, Jenny Doole, and Peter Watson. *Stealing History: The Illicit Trade in Cultural Material*. Cambridge: McDonald Institute for Archaeological Research, 2000.

- Carnett, Carol L. "A Survey of State Statutes Protecting Archeological Resources." Special Report, *Preservation Law Reporter*, and *Archeological Assistance Study*, No. 3, August 1995. Washington, DC: National Park Service and National Trust for Historic Preservation, 1995.
- Ehrenhard, J. E., ed. *Coping with Site Looting*. Atlanta, GA: National Park Service, 1990.
- Fagan, B. "Black Day at Slack Farm." *Archaeology* 41, no. 4 (1988): 15-16, 73.
- Goodwin, D. V. "Raiders of the Sacred Sites." *New York Times Magazine*, (December 7, 1986): 65-66, 84-87.
- Greenfield, Jeanette. *The Return of Cultural Treasures*, 2nd edition. New York: Cambridge University Press, 1996.
- Harrington, S. P. M. "The Looting of Arkansas." *Archaeology* 44, no. 3 (1991): 22-30.
- Hutt, Sherry. "The Archaeological Resources Protection Act," *The Federal Lawyer*, October issue (1995): 30-35.
- _____. *The Civil Prosecution Process of the Archaeological Resources Protection Act*, Technical Brief No. 16. Washington, DC: U.S. Department of the Interior, February, 1994.
- _____, Caroline M. Blanco, and Ole Varmer. *Heritage Resources Law: Protecting the Archeological and Cultural Environment*. New York: John Wiley & Sons, 1999.
- _____, Elwood W. Jones, and Martin E. McAllister. *Archeological Resource Protection*. Washington, DC: The Preservation Press, 1992.
- King, Thomas F. *Some Dimensions of the Pothunting Problem*. In *Protecting the Past*, G. S. Smith and John E. Ehrenhard, eds. Boca Raton, FL: CRC Press, 1991.
- _____. *Cultural Resource Laws and Practice*. Walnut Creek, CA: AltaMira Press, 1998.
- Landers, R. K. "Is America Allowing its Past to be Stolen?" In *Congressional Quarterly's Editorial Research Reports*, M. D. Rosenbaum, ed. Washington, DC: Congressional Quarterly, Inc., 1991: 34-46.
- McAllister, M. "Looting and Vandalism of Archaeological Resources on Federal and Indian Lands in the United States." In *Protecting the Past*, G. S. Smith and J. E. Ehrenhard, eds. Boca Raton, FL: CRC Press, 1991: 93-100.
- McManamon, F. P. "The Federal Government's Recent Response to Archaeological Looting." In *Protecting the Past*, G.S. Smith and J.E. Ehrenhard, eds. Boca Raton, FL: CRC Press, 1991: 261-269.
- _____, and Susan D. Morton. "Reducing the Illegal Trafficking in Antiquities." In *Cultural Resource Management in Contemporary Society: Perspectives on Managing and Presenting the Past*, Francis P. McManamon and Alf Hatton, eds. London: Routledge, 2000: 247-276.
- Munson, C. A., M. M. Jones, and R. E. Fry. "The GE Mound: An ARPA Case Study." *American Antiquity* 60 (1995): 131-159.
- National Park Service. "The Native American Graves Protection and Repatriation Act," *Federal Archeology* (special report), fall/winter issue (1995).
- Nickens, P. "The Destruction of Archaeological Sites and Data." In *Protecting the Past*, G. S. Smith and J. E. Ehrenhard, eds. (Boca Raton, FL: CRC Press, 1991): 83-92.
- Robbins, J. "Violating History." *National Parks* 61, no. 7-8 (1987): 26-31.
- Schmidt, Peter R. and Roderick J. McIntosh, eds. *Plundering Africa's Past*. Bloomington: Indiana University Press, 1996.
- Society for American Archaeology. *Save the Past for the Future, Actions for the 90s*. Final Report, Taos Working Conference on Preventing Archaeological Looting and Vandalism. Washington, DC, 1989.
- Swanson, Charles R., Jr., Neil C. Chameline, and Leonard Territo. *Criminal Investigation*. Fifth edition. New York: McGraw-Hill, 1992.
- U.S. Department of Agriculture. *Vandalism: Research, Prevention and Social Policy*. General Technical Report PNW-GTR-293. Washington, DC, 1992.
- National Park Service. *Federal Historic Preservation Laws*, 1993.
- Vitelli, Karen D., ed. *Archaeological Ethics*. Walnut Creek, CA: AltaMira Press, 1996.
- Wilkinson, T. "Raiders of the Parks." *National Parks* 65, no. 9-10 (1991): 30-35.
- Wylie, J. and B. Nagel. "Quantifying and Modeling Archaeological Looting: The Utah Interagency GIS Project." *Federal Archeology Report* 2, no. 3 (1989): 9-12.
- Zander, Caroline M. "The Antiquities Act—Regulating Salvage of Historic Shipwrecks." *CRM* 19, no. 5 (1996): 28-32.
- _____, and O. Varmer. Closing the Gaps in Domestic and International Law: Achieving Comprehensive Protection of Submerged Cultural Resources. *Common Ground* 1, no. 3/4, (1996): 60.

Websites

- Archaeology* magazine, <www.archaeology.org>.
- ICOM Red List, <<http://www.icom.org/redlist/>>. International Council of Museums lists categories of African archeological resources that are at risk from looting.
- International Cultural Property Protection Website, U.S. Department of State, <<http://exchanges.state.gov/education/culprop>> discusses relevant international and United States laws, news reports on looting, and an extensive image database of materials subject to import restrictions.
- Legal Protection for Cultural Heritage, UNESCO, <<http://www.unesco.org/culture/legalprotection/index.html>>. Information on the following protocols and a current list of signatories to each: Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970), and Convention Concerning the Protection of the World Cultural and Natural Heritage (1972).
- National Stolen Art File, <<http://www.fbi.gov/majcases/arttheft/art.htm>>. The FBI maintains the National Stolen Art File, a computerized index of cultural property that has been reported stolen to the FBI by other law enforcement agencies. The FBI maintains a similar database of stolen art — the Art Loss Register, <<http://www.artloss.com>> — that is available to law enforcement agencies for searching.
- Society for American Archeology, <www.saa.org>.

Video

- Assault on Time, a half-hour video produced by the Federal Law Enforcement Training Center that illustrates the destructive impact of looting and vandalism on archeological sites. Available from the National Audiovisual Center, Customer Services Staff, 8700 Edgeworth Drive, Capitol Heights, MD, or telephone (207) 343-3701 or (800) 638-1300.